

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed December 3, 2003. At the time of the Office Action, Claims 1-18 were pending in this Application. Claims 1-18 were rejected. Claims 1, 5-7, 10, and 14-16 have been amended to further define various features of Applicants' invention. Claims 3, 4, 8, 9, 12, 13, 17, and 18 have been cancelled without prejudice or disclaimer. Claims 19-30 are requested to be added.

#### **Oath/Declaration**

The Examiner pointed out that the oath/declaration is defective because it does not claim priority to Provisional Application serial number 60/206,772 appropriately. Applicants appreciate Examiner's careful review and enclose a new oath/declaration in compliance with 37 C.F.R. § 1.67(a).

#### **Double Patenting Rejection**

The Examiner provisionally rejected Claims 1-18 based on the judicially created double patenting doctrine over Claims 1-21 of co-pending Application 09/862,832 (hereinafter "'832 application") and Claims 1-18 of co-pending Application 09/862,814 (hereinafter "'814 application").

Applicants enclose two (2) Terminal Disclaimers filed in compliance with 37 C.F.R. 1.321(b) to overcome these rejections. These Terminal Disclaimers are offered in the event the Examiner converts the provisional rejection to a rejection based on non-statutory double patenting grounds. The '832 application, '814 application and the instant patent application are commonly owned by iNetProfit, Inc.

#### **Rejections under 35 U.S.C. §102**

Claims 1, 3-10, and 12-18 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipate by International Publication No. WO 00/23929 filed by Alvin (hereinafter "Alvin").

Applicants respectfully traverse and submit that Alvin does not teach or suggest a system or method operated by an application service provider. The invention of Alvin is an e-commerce invention, designed for use by a business enterprise for the sale of goods to its customers. For example, the internal data sources of Alvin are "an electronic catalog of available products".

In contrast, the present invention permits a business enterprise to access software via a web browser for the purpose of obtaining business intelligence about customers of that business enterprise. The internal data sources of the present invention are data representing contact and sales data of existing customers of a business enterprise. Furthermore, in the present invention, the end user of the system is the business enterprise, not customers of the enterprise.

#### **Rejections under 35 U.S.C. §103**

Claims 2 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Alvin as applied to Claim 1 and 10 above, and further in view of U.S. Patent 6,434,544 issued to Bakalash et al. (hereinafter "Bakalash et al.").

Applicants respectfully traverse and submit that for the reasons stated above, the invention of Alvin is completely different from the present invention. Furthermore, neither Alvin nor Bakalash teach or suggest a chart repository that is accessed by a web server to determine if a query from a business enterprise can be answered with a stored chart.

#### **New Claims**

The new claims requested to be added are fully supported in the detailed description:

Claims 19 and 25	page 16
Claims 23, 24, 29, 30	page 27, lines 3-15, Figure 5
Claims 20 and 26	page 18
Claims 21 and 27	page 11, Figure 2
Claims 22 and 28	page 17, Figure 5

**Information Disclosure Statement**

Applicants also enclose an Information Disclosure Statement and PTO Form 1449, with a copy of the references and a check in the amount of \$180.00, for the Examiner's review and consideration.

**CONCLUSION**

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of all pending claims, as amended.

A check in the amount of \$18.00 is enclosed with this Response for the two (2) additional dependent claims (over 20) which have been added.

Applicants enclose two (2) Terminal Disclaimers along with two (2) checks in the amount of \$55.00 each for the filing fee for both of the Terminal Disclaimers (small entity) pursuant to 37 C.F.R. § 1.20(d).

An extension of two (2) months is requested and a Notification of Extension of Time under 37 C.F.R. § 1.136 with the appropriate fee of \$210.00 is attached herewith.

A Change of Correspondence Address form is also enclosed.

Applicants believe there are no additional fees due, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

ATTORNEY DOCKET  
068082.0111

PATENT APPLICATION  
09/865,802

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If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2634.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorney for Applicants

A handwritten signature in black ink, appearing to read 'Ann Livingston', with a stylized flourish at the end.

Ann C. Livingston  
Reg. No. 32,479

SEND CORRESPONDENCE TO:  
Baker Botts L.L.P.  
CUSTOMER ACCOUNT NO. 31625  
512.322.2634  
512.322.8325 (fax)

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